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*and Federal National Mortgage Association*

7  
8 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

9 OCWEN LOAN SERVICING, LLC; and  
10 FEDERAL NATIONAL MORTGAGE  
ASSOCIATION,

11  
12 Plaintiffs,

13 vs.

14 MARK DEWITT, an individual; OSCAR  
MARTINEZ, and individual; MIRIAM  
15 MARTINEZ, an individual; DESERT INN  
MOBILE FAMILY ESTATES OWNERS  
16 ASSOCIATION, a Nevada non-profit  
corporation; inclusive,

17  
18 Defendants.

Case No.: 2:17-cv-00778-GMN-CWH

**STIPULATION AND ORDER OF FINAL  
JUDGMENT CONFIRMING  
EXISTENCE AND VALIDITY OF DEED  
OF TRUST**

19 Ocwen Loan Servicing, LLC (“Ocwen”), Federal National Mortgage Association  
20 (“Fannie Mae”) (collectively “Plaintiffs”); Oscar and Miriam Martinez (collectively the  
21 “Martinezs”); and Desert Inn Mobile Family Estates Owners Association (the “HOA”), through  
22 their counsel of record, stipulate as follows:

23 1. This matter relates to real property located 3499 Allegheny Dr., Las Vegas, Nevada  
24 89122, APN 161-16-210-285 (the “Property”). The Property is more specifically described as:

25  
26 LOT 147, BLOCK 5 OF DESERT INN MOBILE ESTATES I, AS SHOWN BY  
MAP THEREOF IN PLAT BLOOK 21, PAGE 9 OF THE RECORDS OF THE  
27 COUNTY OF CLARK COUNTY, NEVADA.

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1       2.       The Deed of Trust that encumbers the Property was recorded on March 23, 2001, as  
2 Document Number 20010323-0001359, in the Official Records of Clark County, Nevada (the  
3 “Deed of Trust”).

4       3.       In December 2002, Fannie Mae acquired ownership of the Loan, including the  
5 Deed of Trust and associated note (the “Note”).

6       4.       Ocwen is the current servicer of the Loan for Fannie Mae, and in that capacity is  
7 beneficiary of record of the Deed of Trust for Fannie Mae.

8       5.       On November 7, 2012, Nevada Association Services, Inc. (“NAS”) recorded, on  
9 behalf of the HOA, a Foreclosure Deed as Instrument Number 20121107-0001244 (the  
10 “Foreclosure Deed”), which reflected that Mark Dewitt (“Dewitt”) acquired the Property for the  
11 sum of \$5,000 (the “HOA Sale”).

12       6.       On March 16, 2016, a Quit-Claim Deed, Instrument Number 20160316-0001867,  
13 was recorded against the Property, which identified DeWitt as the Grantor and the Martinezs as  
14 Grantees.

15       7.       The Martinezs have not transferred their interest in the Property and are still the title  
16 holder of record.

17       8.       On March 17, 2017, Fannie Mae and Ocwen initiated a quiet title action against the  
18 Martinezs, Dewitt and the HOA in the United States District Court, District of Nevada, Case No.  
19 2:17-cv-00778 (the “Quiet Title Action”).

20       9.       Plaintiffs, the Martinezs and the HOA have entered a settlement agreement in which  
21 they have settled all claims between them in this case. This Stipulation and Order applies to the  
22 matters addressed in this particular case only and has no relevance to any other matter.  
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27 ///

1           10.     The Deed of Trust survived and was not extinguished in any capacity by the HOA  
2 Sale. The Deed of Trust remains a valid encumbrance against the Property following the  
3 recording of the Foreclosure Deed, and the Martinezs' interest in the Property is subject to the  
4 Deed of Trust.

5 Dated: this 19th day of February, 2019.

Dated: this 19th day of February, 2019.

6 WRIGHT, FINLAY & ZAK, LLP

DENNETT WINSPEAR, LLP

7 /s/ Regina A. Habermas, Esq.

/s/ Gina Gilbert Winspear, Esq.

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11 Las Vegas, NV 89117

*Family Estates Owners Association*

12 *Attorneys for Plaintiffs, Ocwen Loan Servicing,*

*LLC and Federal National Mortgage*

13 *Association*

14 Dated: this 19th day of February, 2019.

15 COOPER COONS, LTD.

16 /s/ Thomas Miskey, Esq.

17 Charles Coons, Esq.

Nevada Bar No. 10553

18 Thomas Miskey, Esq.

19 Nevada Bar No. 13540

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20 Las Vegas, NV 89144

21 *Attorneys for Oscar and Miriam Martinez*

### **ORDER**

22           **IT IS HEREBY ORDERED** that the above Stipulation of Final Judgment Confirming  
23 Existence and Validity of Deed of Trust, (ECF No. 31), is **GRANTED. IT IS FURTHER**  
24 **ORDERED** that Plaintiffs and Defendants Desert Inn Mobile Family Estates Owners  
25 Association, Oscar Martinez, and Miriam Martinez shall have 21 days from the entry of this  
26 Order to file a stipulation of dismissal or a joint status report as to any remaining claims and  
27 defendants.

28 **DATED** this 19 day of March, 2019.

  
Gloria M. Navarro, Chief Judge  
UNITED STATES DISTRICT COURT